

REMARKS

Claims 11-24 are pending in the application.
Claims 11-24 had been rejected.
Reconsideration of the Claims is respectfully requested.

1. Rejection under 35 USC § 102

For establishing anticipation, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . The identical invention must be shown in as complete detail as is contained in the . . . claim.” MPEP § 2131 at p. 2100-67 (Rev. 5, August 2006) (citations omitted).

Claims 11, 15, 17-18, 22, and 24 were rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 5,854,621 by Junod et al. (“Junod”).

Junod recites a “radio frequency, wireless video display cursor pointing devices such as mice or trackballs.” (Junod 1:15-16). The mice or trackball devices of Junod “includes unidirectional communication between *the mouse* and *the receiver*.” (Junod 2:63-64). Junod does not address operational modes of a device with the receiver. Applicant respectfully points out that Junod does not recite servicing of a video display cursor point device during a subsequent *boot mode operation*, and is silent regarding operational mode of the computer. Instead, Juno recites “[differentiation] between multiple wireless devices . . . [that] can also allow more than one wireless device to transmit information to the same computer.” (Junod 2:9-13).

a. *Junod does not recite a host-side wireless interface that transfers configuration information of at least one user input device to a host computer*

The host adapter of Junod, on power-up “first detects what type of interface 610 it is using to communicate with the host [computer] system 30, i.e. serial or PS/2.” (Junod 8:28-31). The unidirectional transmission mouse communicates with the host adaptor 20 via reports, in which there are “three types of reports . . . displacement and switch information reports, status reports, and channel change request reports.” (Junod 7:31-34). Following the determination of its interface type with the host system, “the CPU [of the host adaptor 20] determines the correct [mouse] identification code by latching onto the *identification code in the first received report* and storing it in the EEPROM 620 [of the host adaptor].” (Junod 9:12-15). This information is not recited as transferred to a host computer during a configuration operation.

Though Junod recites that this “identification code is . . . stored in the EEPROM 620 [of the host adaptor] so that it may be provided to the CPU 600 at a subsequent power up,” (Junod 9:24-26), Junod does not proffer that its device identification constitutes configuration information used in servicing its wireless device *during a boot mode operation*. The device identification code of Junod relates to identifiers within communications between its host adapter and its wireless device. That is, *Junod does not recite*, as set out in Applicant’s claimed invention that, “during a subsequent boot mode operation, the configuration information . . . is used in servicing the at least one wireless user input device.”

b. Junod’s power up of the wireless mouse is not a “boot mode operation”

Applicant respectfully submits that *mouse device* power up modes of Junod are not configuration modes and/or subsequent boot modes of the personal computer. That is, Junod recites that “[on] power up of the mouse (insertion of two AAA batteries), the [mouse] CPU 320 downloads information from the [mouse] EEPROM 340. This information includes the frequency of the current radio channel, the sampling rate of the [mouse] photodetectors³¹⁰ and the particular identification code information for that particular mouse.” (Junod 5:34-40).

c. power up of host adapter of Junod does not relate to a “configuration operation” in which “configuration information from the at least one wireless user input device . . . is also transferred to the host computer . . .”

The power up operations for the Junod adapter device 20 relates to “the host adapter’s EEPROM 620 [providing] information to the [adapter] CPU 600 and the PLL circuitry . . . , such as the correct mouse identification code to look for in the data reports. . . . Next, [however,] the [adapter] CPU 600 programs the PLL 630 with the initial receiver frequency information.” (Junod 8:24-38). That is, the wireless device receiver frequency in Junod is not “configuration information from the at least one wireless user input device,” but instead appears to rely upon either default configurations or user applied configurations.

d. Office Action response relies on non-cited references to the rejection and/or refer to implicit device operations not recited in Junod

The Office Action responded to Applicant’s earlier points by focusing on “configuration information” and “power up” operation of a host computer system in Junod. The Office Action, however, does not point to where the identical invention recited in Applicant’s claims is found in Junod.

The Office Action response speaks to “configuration information” relying upon U.S. Patent No. 6,728,662 to Frost et al., which had not been cited as a basis of the rejection under Section 102(e). Frost was cited as “intrinsic evidence that configuration information includes device identification code” (Office Action at page 6). Because Frost had not been cited as a reference in support of the rejection, Applicant respectfully submits that his form of response is improper.

In context, Applicant’s claimed invention speaks to, *inter alia*, “wherein during a *configuration operation*, configuration information from the at least one wireless user input device is . . . transferred to the host computer via the host interface” (Applicant’s Independent Claim 11).

The Office Action then speaks to “one of ordinary skill in the art [as considering] a power up of the computer system of Junod to *implicitly include a boot mode operation*” (Office Action at page 7). In Junod, the host computer system 30 is not discussed with reference to power up operations; instead, the power up operations found in Junod relate to that of the host adaptor 20. Further, the discussion in Junod of a host computer is limited to the type of communication link between the host adaptor and the host computer. Junod does not refer to a power up operation of the host computer system 30.

For example, with reference to Figure 6 of Junod, “[on] power up, the [host adaptor] CPU 600 first detects what type of interface 610 [the host adaptor] it is using to communicate with the host [computer] system 30, i.e. serial or PS/2. The [host adaptor] CPU 600 then adapts according to which interface is found at [the interface] 610.” (Junod 8:28-32).

As another example, “The host adaptor 20 is connected to a host system 30 (*not shown*), such as a personal computer or work station, through any suitable protocol. For example, the host adaptor 20 may be connected to the host system 30 through a serial port (RS-232) or a mouse port, generally referred to as a PS/2 port.” (Junod 4:24-30).

As a further example, “The [host adaptor] CPU 600 can then provide the appropriate [device] signals to the host computer 30, such as a personal computer or workstation, through the PS/2 or serial host interface 610.” (Junod 9:15-18).

In sum, Junod does not recite, with respect to a host computer system, transferring configuration information from the at least one wireless user input device to the host computer.

e. Junod does not recite that “during a subsequent boot mode operation, configuration information is retrieved . . . and used in servicing the at least one wireless user input device.”

Applicant’s claim 11 recites, *inter alia*, a “host-side wireless interface that services a host computer and at least one wireless user input device, the host-side wireless interface comprising: a host interface that operably couples to the host computer; . . . a wireless network interface operably coupled to the processing unit and to the host interface that wirelessly couples the host-side wireless interface to the least one wireless user input device; wherein *during a configuration operation*, configuration information from the at least one wireless user input device is stored in the non-volatile memory and is also transferred to the host computer via the host interface; and *during a subsequent boot mode operation*, the configuration information is retrieved from the non-volatile memory and *used in servicing the at least one wireless user input device.*” (emphasis added).

Also, Applicant’s Claim 18 recites, *inter alia*, a “computer system comprising: a host computer; at least one wireless user input device; and a host-side wireless interface that includes: a host interface that operably couples to the host computer; a processing unit operably coupled to the host interface; . . . and a wireless network interface operably coupled to the processing unit and to the host interface that wirelessly couples the host-side wireless interface to the least one wireless user input device; wherein *during a configuration operation*, configuration information from the at least one wireless user input device is stored in the non-volatile memory and is also transferred to the host computer via the host interface; and *during a subsequent boot mode operation*, the configuration information is retrieved from the non-volatile memory and *used in servicing the at least one wireless user input device.*” (emphasis added).

As noted above, it is respectfully submitted that the “identical invention” of Applicant’s claims is not recited by Junod.

Accordingly, Applicant respectfully submits that each and every element as set forth in its Claim 11 and Claim 18, as for example the underlined portions, is not found in Junod. Applicant submits that Independent Claim 11 and Claims 12-17 that depend therefrom, and Independent Claim 18 and Claims 19-24 that depend therefrom, are allowable. Applicant respectfully requests withdrawal of the rejections to these claims.

2. Rejection under 35 USC § 103

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142, p. 2100-125 (Rev. 5, August 2006) (citations omitted).

The Office Action rejected claims 11-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,782,245 by Lazzarotto et al. ("Lazzarotto") in view of Junod.

The Office Action sustained its rejection under Section 103 because "Junod discloses the limitations recited in the independent claims" (Office Action at page 8). Applicant respectfully disagrees as set out above.

Lazzarotto recites "a communication hub that couples a wireless peripheral with a universal serial bus (USB) configured device. The USB configured device may be, for example, a USB-enabled host computer system. The communication hub includes a wireless peripheral interface." (Lazzarotto 2:41-45).

Claims 12 through 17 depend from Independent Claim 11. Claims 19 through 24 depend from Independent Claim 18. Applicant respectfully resubmits that because Junod does not provide a basis for anticipation of Applicant's Independent Claim 11 and Independent Claim 18, the inclusion of the hub-device of Lazzarotto does not provide the elements lacking in Junod such that the hypothetical combination still does not provide teach or suggest all of Applicant's claim limitations.

Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness has not been established, and that its Independent Claim 11 and Claims 12-17 that depend therefrom, and its Independent Claim 18 and Claims 18-24 that depend therefrom, are allowable. Applicant respectfully requests withdrawal of the rejections to these claims.

3. Conclusion

As a result of the foregoing, the Applicant respectfully submits that Claims 11-24 in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *ksmith@texaspatents.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126 (BP 2859).

Respectfully submitted,

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